

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 10/760,944
Confirmation No. 1275
Filing Date January 20, 2004
Applicant Wright, et al.
Group Art Unit 2617
Examiner Gary Au
Attorney's Docket No. BE1-0055US
Title: Wireless Device With Integrated Emergency Alert Notification

DECLARATION OF DARRICK WRIGHT
UNDER 37 C.F.R. § 1.131

As a below named inventor, I hereby declare that:

1. I am a co-inventor of the subject matter recited in claims 1-6, 8, 10-12, 14-16 and 19-21 pending in the above-captioned application, and have assigned my rights in the instant patent application to Bellsouth Intellectual Property Corporation (Now AT&T Intellectual Property, Inc., by virtue of a corporate name change recorded on April 27, 2007) (Applicant).
2. At least as early as September 25, 2003, I conceived of the invention described and claimed in the subject application, as evidenced by an Invention Disclosure document describing this concept to Applicant. A redacted copy of the Invention Disclosure document, dated prior to September 30, 2003, is attached as Exhibit A.
3. On September 25, 2003 I sent an email to Mr. Daniel Miller, initial legal counsel assigned to draft this application, to set a time for a conference call to discuss the invention. A redacted copy of the September 25, 2003 email chain is attached as Exhibit B.

4. On September 29, 2003, I took part in that call with Mr. Miller in which additional details of the invention were verbally conveyed to Mr. Miller.
5. To the best of my knowledge, information, and belief, between September 29, 2003, and November 30, 2003, Mr. Miller worked diligently to prepare a draft of the subject patent application.
6. On December 1, 2003, I received an email from Mr. Miller attaching a first draft of the subject application. Mr. Miller's email set a three-week period for our review and comment on the draft application.
7. I reviewed the draft application prepared by Mr. Miller and, on December 3, 2003, I sent Mr. Miller an email approving the draft. A redacted copy of the email chain forwarding the draft application and my response is attached as Exhibit C.
8. To the best of my knowledge, information, and belief, Mr. Miller worked diligently between December 3, 2003, and December 31, 2003, to finalize the application.
9. On December 31, 2003, Mr. Miller requested residence and citizenship information from me, which I provided, as evidenced by the redacted email chain attached as Exhibit D.
10. To the best of my knowledge, information, and belief, Mr. Miller worked diligently between December 31, 2003, and January 13, 2004, to finalize the application and prepare declaration and assignment documents for the application.
11. On January 13, 2004, Mr. Miller sent Mr. Rivers and myself a final draft of the application, along with declaration and assignment documents for our execution, via Federal Express. A redacted copy of the letter forwarding the final draft is attached as Exhibit E.

12. I signed the declaration and assignment documents on January 14, 2004, and returned them to Mr. Miller, as evidenced by the signed declaration that was filed in this application, a copy of which is attached as Exhibit F.

The dates related to conception and other proprietary information listed on the Invention Disclosure document and other exhibits have been redacted, as permitted by MPEP § 715.07(II).

The diligence of an attorney in preparing and filing patent application inures to the benefit of the inventor. MPEP § 2138.06.

All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true. Further, these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issued therefrom.

Full name of inventor: Darrick Wright

Inventor's Signature: Darrick Wright Date: 7-27-07

Residence: Bremen, AL

Post Office Address: 4715 County Road 18, Bremen, AL 35033

Citizenship: United States of America

DECLARATION OF DARRICK WRIGHT
UNDER 37 C.F.R. § 1.131

Exhibit A

Redacted copy of Invention Disclosure Document.

Inventor Profile

Name	Citizenship	Work Phone	Email Address
Wright, Darrick	UNITED STATES OF AMERICA		

Last Name	Home Address	Home City	Home State	Home Zip Code
Wright				

Invention Summary

Proposed Title:

Cell Phone With Built In Weather Alert Radio.

Invention Type:

Equipment

Problem:

Describe the problem(s) you are attempting to solve.

When Severe weather is Near You may be unaware of the dangerous conditions that exist until too late.

Solution:

How does your invention advantageously solve the problem(s) left un-addressed above?

You have a cell phone with a built in NOAA Weather radio and alert. The alert will sound and you will be able to hear the warnings as they are issued, directly from your cell phone.

Invention Description

Component Synergy:

Please describe the components involved in your invention, their operation, and how they work together to solve the problem?

The phone would be able to receive NOAA Weather Radio and Alerts. The phone would be able to turn the Alert Off or on, so in times where you would not want the alert to be sounded it can be turned off. Also the Alert should have a Volume Control so it can be Turned Up or down as needed for your situation.

Discrete Components:

Please describe the sequential steps involved in your invention, identify the result of each interim step and how each result is used in the next step to ultimately solve the problem.

Please include at least one drawing of the invention and refer to it throughout your description.

BellSouth Invention Disclosure # [REDACTED]

Received Date: [REDACTED]

[The drawing does not have to be formal, only legible and may be submitted electronically as part of this form or in hard copy as described in the instructions which follow at the end of this document. You may use pre-existing documents or diagrams (e.g., an existing presentation), provided that the materials sufficiently describe the components/steps of your invention.]

Novelty:

What features of your invention do you believe are new or provide the improvement over what has been done before to solve this problem(s)?

A cell Phone is carried by Many people. This would give convenient access to immediate weather Information.

REDACTED

Subject Matter Experts (SME) [REDACTED]

BELLSOUTH PROPRIETARY-CONFIDENTIAL

BellSouth Invention Disclosure

Received Date:

Internal SME:

List any BellSouth employees, who are **not** co-inventors but who are familiar with this subject matter.

NONE

REDACTED

Internal Tracking Information

REDACTED

BIPMARK Revenue Potential:

Do you know of any companies outside of BellSouth that are or may be interested in using your product/technology/idea? If yes, please list the companies.

None

Related Subject Matter

REDACTED

Related Disclosures:

Have any other disclosures related to this invention been previously submitted? Please list the BellSouth Disclosure Number(s) and Invention name(s) of any related previously submitted inventions(s)

NONE

BELLSOUTH PROPRIETARY-CONFIDENTIAL

DECLARATION OF DARRICK WRIGHT
UNDER 37 C.F.R. § 1.131

Exhibit B

Redacted copy of September 25, 2003 email chain between Mr. Wright and Mr. Miller setting time for telephone meeting.

Pittsburgh, PA 15222
(412)355-6773
F(412)355-6501

This electronic message contains information from the law firm of Kirkpatrick & Lockhart LLP that may be privileged and confidential. The information is intended for the use of the addressee(s) only. If you are not an addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this e-mail in error, please contact me at daniel.miller@kl.com or 412-355-6773.

"The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential, proprietary and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from all computers." 118

DECLARATION OF DARRICK WRIGHT
UNDER 37 C.F.R. § 1.131

Exhibit C

Redacted copy of December 1, 2003 email chain from Mr. Miller containing first draft of the patent application, and showing approval by Mr. Wright on December 3, 2003.

Miller, Daniel

From: Wright, Darrick [REDACTED]
Sent: Wednesday, December 03, 2003 9:54 AM
To: 'Miller, Daniel'
Subject: RE: BellSouth File [REDACTED] Cell Phone with Built In Weather Alert Radio

Daniel,

I have reviewed the draft and figures and everything looks good.

Darrick Wright

-----Original Message-----

From: Miller, Daniel [mailto:daniel.miller@kl.com]
Sent: Monday, December 01, 2003 4:06 PM
To: Wright, Darrick
Cc: Rivers, Paul; Smith, Kimberly A
Subject: BellSouth File # 030359, Cell Phone with Built In Weather Alert Radio

December 1, 2003

VIA E-MAIL

FIRST DRAFT

Mr. Darrick Wright
BST / Interconnect CWINS
[REDACTED]

Disclosure Title:	CELL PHONE WITH BUILT IN WEATHER ALERT	RADIO
Inventors:	Darrick Wright, Paul B. Rivers	
Jurisdiction:	United States	
BellSouth File:	[REDACTED]	Our File: [REDACTED]

Action Required: Please review the first draft application by December 22, 2003 and provide comments. Detailed instructions for your review of the draft are provided below.

Dear Mr. Wright:

Enclosed is a first draft of a patent application directed to the above-identified invention for your review. The draft is based in part on our discussions of [REDACTED]

12/03/2003

This is a draft, so feel free to make additions, deletions, substitutions, and the like. Please provide your consolidated comments by December 22, 2003.

As you know, it is essential that the patent application, as filed, be technically accurate and complete; and that it set forth the best mode of carrying out the invention, because new matter may not be added to the descriptive portion after filing. The patent application's description must also be sufficient to enable a person of ordinary skill in the technical art to make and use the invention. We therefore ask that you carefully review the draft for technical accuracy and completeness, and advise us of any suggested changes or corrections. Your changes and suggestions will be carefully considered in the preparation of the final draft. **Action Required: Please review draft for technical accuracy and completeness as described above.**

We also request that you review the claims of the application. The claims are the numbered paragraphs at the end of the application that define the scope of protection that is being sought for the invention. **Action Required: Please review the claims and confirm that the claims properly define the invention.**

When you review the claims, please confirm that the proper inventors have been identified for the claimed invention(s). As you may be aware, inventorship is determined by the subject matter of the claimed invention. Generally stated, to be an inventor one must have made an actual contribution to the conception of the operative invention that is claimed. There may be joint inventorship even though the joint inventors (a) did not work physically together or at the same time, (b) did not make an equal contribution, or (c) did not make a contribution to the subject matter of every claim of the patent. A worker who merely carries out the instructions of another or only provides implementing devices to carry out another's ideas where the effort to do so is the exercise of one of ordinary skill is not typically an inventor. Further, persons listed as contributing to an article describing or related to the invention are not necessarily inventors. Please feel free to call with any questions that you may have on this issue. **Action Required: Please confirm that the proper inventors have been named.**

We would also like to point out that an inventor is required to make a Declaration when the inventor's application is filed in the U.S. Patent and Trademark Office (USPTO), acknowledging a duty to disclose information of which the inventor is aware and which may be considered to be material to the examination of the application. "Material" in this respect is defined as information that a reasonable examiner would likely consider important in deciding whether to issue a patent. "Material" information as defined above may possibly include devices, products, publications, etc. that are similar to the invention and were publicly known before the invention, and it may also include any public disclosure, commercial use, or offer of sale of the invention more than one year prior to the filing date of the application.

If you are aware of any information that you believe might be considered "material", it is important that it be brought to our attention as soon as possible. Late submission of material information requires payment of a fee. Accordingly, we request that you provide us with any material references of which you are aware as soon as conveniently possible. We can then make a determination whether the information should be brought to the attention of the Patent and Trademark Office under the applicable rules. Please also be aware that the duty to disclose "material" information continues throughout pendency of the application, until the application issues as a patent.

You should also be aware that certain activities either in the United States or foreign countries prior to filing of the application in the United States may have a bearing on the ability to file corresponding applications in foreign countries under the applicable international treaty. These activities could include public disclosure of the invention in either written or oral form, such as published articles, patents, product announcements, and proposals, as well as through commercial exploitation of the invention, including public demonstrations, offers to sell, and sale of products incorporating the invention. If you would like to preserve your right to file

corresponding foreign applications on this invention, we recommend that all such activities be avoided until the U.S. application is on file. **Action Required: To preserve foreign patent filing rights, please avoid public disclosure of the invention in either written or oral form, and commercial exploitation of the invention, including public demonstrations, offers to sell, and sale of products incorporating the invention until the U.S. patent application has been filed.**

Once you have had an opportunity to review the draft application, please provide me with your comments. As always, please feel free to call us with any questions that you may have.

Sincerely,

/s/ Daniel R. Miller

DRM:pc
Enclosure



"The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential, proprietary, and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from all computers.61"

DECLARATION OF DARRICK WRIGHT
UNDER 37 C.F.R. § 1.131

Exhibit D

Redacted copy of December 31, 2003 email from Mr. Miller requesting residence and citizenship information.

Miller, Daniel

From: Wright, Darrick [REDACTED]
Sent: Wednesday, December 31, 2003 11:50 AM
To: Miller, Daniel
Subject: RE: BellSouth File [REDACTED] Cell Phone with Built In Weather Alert Radio

Mr. Miller,
Yes. My country of citizenship is The United states. Thanks
Darrick Wright

-----Original Message-----

From: Miller, Daniel [mailto:[REDACTED]]
Sent: Wednesday, December 31, 2003 10:36 AM
To: Wright, Darrick
Subject: RE: BellSouth File [REDACTED] Cell Phone with Built In Weather Alert Radio

Thanks. One more question - is your country of citizenship the United States?

Dan

-----Original Message-----

From: Wright, Darrick [REDACTED]
Sent: Wednesday, December 31, 2003 10:57 AM
To: Miller, Daniel
Subject: RE: BellSouth File [REDACTED] Cell Phone with Built In Weather Alert Radio

Mr. Miller,
My home Address is as Follows:

[REDACTED] USA

If you need any further Information let me know. Thanks

Darrick Wright

-----Original Message-----

From: Miller, Daniel [REDACTED]
Sent: Wednesday, December 31, 2003 8:49 AM
To: Wright, Darrick
Subject: BellSouth File [REDACTED] Cell Phone with Built In Weather Alert Radio

Darrick -

After looking through our records, I was unable to locate information relating to your home address and country of citizenship. This information is necessary for the preparation of application filing papers. If you can forward this information to me, I'll proceed with the preparation of the filing papers. Thanks.

Dan Miller

Daniel R. Miller
Kirkpatrick & Lockhart LLP

12/31/2003

Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, PA 15222
(412)355-6773
F(412)355-6501

This electronic message contains information from the law firm of Kirkpatrick & Lockhart LLP that may be privileged and confidential. The information is intended for the use of the addressee(s) only. If you are not an addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this e-mail in error, please contact me at daniel.miller@kl.com or 412-355-6773.

"The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential, proprietary, and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from all computers." 117

DECLARATION OF DARRICK WRIGHT
UNDER 37 C.F.R. § 1.131

Exhibit E

Redacted copy of January 13, 2004 letter sent by Federal Express which accompanied originals of final draft for execution.

Kirkpatrick & Lockhart LLP

Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, PA 15222-2312
412.355.6500
www.kl.com

January 13, 2004

Daniel R. Miller
412.355.6773
Fax: 412.355.6501
Daniel.miller@kl.com

VIA FEDERAL EXPRESS

Mr. Darrick Wright
BST / Interconnect CWINS

[REDACTED]
[REDACTED]
[REDACTED]

Disclosure Title:	WIRELESS DEVICE WITH INTEGRATED EMERGENCY ALERT NOTIFICATION
Inventors:	Darrick Wright, Paul B. Rivers
Jurisdiction:	United States
BellSouth File:	[REDACTED] Our File: [REDACTED]

ACTION REQUIRED: Please review the enclosed patent application and if the application is complete and accurate, then execute and return the enclosed Declaration and Assignment by January 27, 2004.

Dear Darrick:

Thank you for your comments regarding the above-referenced patent application. Enclosed for your review is a final draft of the application that we plan to file in the United States Patent and Trademark Office ("PTO"). Also enclosed for execution are: (1) a Declaration; and (2) an Assignment. Please note that the Assignment should be signed in the presence of a Notary Public. If, in reviewing the final draft, you feel that further revisions are necessary, please contact me before executing the Declaration and Assignment so that I can prepare and forward a revised final draft.

If the application is acceptable, the Declaration at the end of the application must be dated and signed so that the typed name and signature are exactly the same. The Assignment must be dated and signed. We recommend that the Assignment be dated and signed in the presence of a Notary Public. The Assignment transfers ownership of the patent application from the inventor to the company. The inventors are not required to jointly sign a single declaration or assignment. Each inventor may execute the documents separately. **Action Required: Sign Declaration; Sign and Notarize Assignment Document.**

Mr. Darrick Wright
January 13, 2004
Page 2

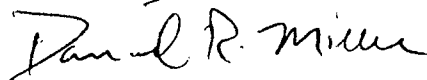
So that you might prepare for the next step in the patent application process, you should be aware that the law imposes a continuing duty on the inventor, the patent attorney, any assignee company, and anyone else who is substantially involved in the preparation or prosecution of the patent application. The duty is one of candor and good faith to disclose to the U.S. Patent and Trademark Office all information of which these people are aware which is material to the examination of the patent application. If the duty is not properly fulfilled, any patent issuing from the application may be found invalid.

We ask that you gather together and forward to us all documents, articles, videos, brochures, advertisements, etc. about devices, whether or not they were sold commercially, which were used or described in public by you or others, which have some reasonable similarity to your invention.

Action Required: Submit all relevant documents and articles for potential submission to the PTO.

Please return the executed papers to us in the enclosed Federal Express envelope. If the application should be revised in any way, or if you have any questions regarding this matter, please contact us.

Sincerely,



Daniel R. Miller

DRM:pc
Enclosures



DECLARATION OF DARRICK WRIGHT
UNDER 37 C.F.R. § 1.131

Exhibit F

Copy of signed declaration for this application with my signature dated
January 14, 2004.

DECLARATION**INVENTORSHIP IDENTIFICATION**

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

WIRELESS DEVICE WITH INTEGRATED EMERGENCY ALERT NOTIFICATION**TITLE OF INVENTION****SPECIFICATION IDENTIFICATION**

the specification of which:

- (a) ☒ is attached hereto.
- (b) ☐ was filed on _____, as ☐ Serial No. _____
☐ and was amended on _____ (*if applicable*).
- (c) ☐ was described and claimed in PCT International Application No. _____ filed on _____
☐ and was amended on _____ (*if applicable*).

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56.

PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)
(Prior Foreign/Pct Application(S) Filed Within 12 Months
(6 Months For Design) Prior To This Application)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate(s) or 365(a) of any PCT international application(s) which designated at least one country other than the United States of America, listed below and have also identified below any foreign application(s) for patent or inventor's certificate(s) or any PCT international application(s) having a filing date before that of the application(s) of which priority is claimed.

Application Number	Country or PCT	Date Of Filing (Day, Month, Year)	Priority not Claimed	Certified Copy Attached?
			<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) UNDER 35 U.S.C. § 119(e)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Provisional Application Number	Filing Date

CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S) UNDER 35 U.S.C. 120

(All Foreign Application(S), *If Any*, Filed More Than 12 Months
(6 Months For Design) Prior To This U.S. Application)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or 365(c) PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application.

U.S Parent Application No.	PCT Parent Application No.	Date Of Filing (Day, Month, Year)	Parent Patent No. (If applicable)

DECLARATION

I hereby declare that my presentation of this paper constitutes a certification under 37 C.F.R § 10.18, which provides, in part, that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application and any patent issuing therefrom

SIGNATURE(S)

<u>Darrick</u> (GIVEN NAME)	<u></u> (MIDDLE INITIAL OR NAME)	<u>Wright</u> FAMILY (OR LAST NAME)
Inventor's signature <u>David Wright</u>		
Date	<u>1-14-04</u>	Country of Citizenship <u>USA</u>
Residence	<u>Cullman, AL 35055</u>	
Mailing Address:	<u>240 Scott Drive, Cullman, AL 35055</u>	

<u>Paul</u> (GIVEN NAME)	<u>Brent</u> (MIDDLE INITIAL OR NAME)	<u>Rivers</u> FAMILY (OR LAST NAME)
Inventor's signature <u>Paul Brent Rivers</u>		
Date	<u>1-14-04</u>	Country of Citizenship <u>USA</u>
Residence	<u>Cullman, AL 35057</u>	
Mailing Address:	<u>1886 County Road 255, Cullman, AL 35057</u>	

☐ **Signature** by administrator(trix), or legal representative for deceased or incapacitated inventor.

Number of pages added _____.

☐ **Signature** for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added _____.

☐ Added page for **signature** by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 CFR 1.47) Number of pages added _____.

☐ Authorization of attorney(s) to accept and follow instructions from representative.

☒ This declaration ends with this page.